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U.S. DISTRICT COURT

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DISTRICT OF UTAH

BY:
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UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

HONORABLE CLAIR M. POULSON, in his
official capacity as Judge of the Duchesne
County Justice Court, and DEREK DALTON,

Plaintiffs,

v.

UTE INDIAN TRIBE OF THE UINTAH and
OURAY RESERVATION; et al,

Defendants.

~~PROPOSED~~ ORDER

Civil No. 2:12-cv-00497-BSJ-EJF
Judge Bruce S. Jenkins
Magistrate Judge: Evelyn J. Furse

On November 6, 2012, the Court heard argument on various motions filed by the Defendants for dismissal of the Amended Complaint (Doc. 17). After considering the parties' written and oral submissions and all relevant legal authorities, the Court rules as follows:

1. The Tribal Defendants' Motion to Dismiss the Ute Indian Tribe, Business Committee of the Ute Indian Tribe, Irene C. Cuch, Ronald J. Wopsock, Frances M. Poowegup, Stewart Pike, Sr., Richard Jenks, Jr., and Phillip Chimburas (Doc. 101) from the instant matter and the Memorandum of Law in support thereof (Doc. 102), is granted. It is hereby ordered that the Motion is Granted and the Ute Indian Tribe, Business Committee of the Ute Indian Tribe, Irene C. Cuch, Ronald J. Wopsock, Frances M. Poowegup, Stewart Pike, Sr., Richard Jenks, Jr., and Phillip Chimburas are dismissed from this action; and all Parties shall bear their own costs and fees.

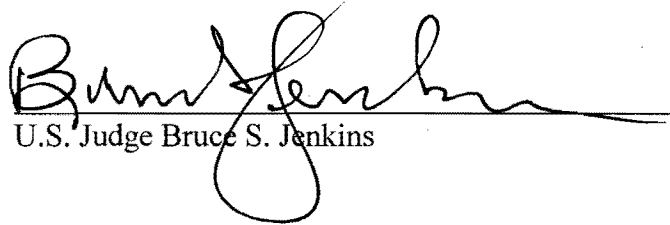
2. The Indian Defendants' Motion to Dismiss Edson Gardner, Lynda Kozlowicz, Athenya Swain and Johnny Slim (Doc. 46) from the instant matter is granted in part. Defendants Edson Gardner and Lynda Kozlowicz are dismissed from this action; Defendants Athenya Swain and Johnny Slim must submit a written Answer to the Court within 20-days from the date of this Order. All other motions filed by the Indian Defendants pending at this time are denied.

3. The Tribal Defendants' Motion to Dismiss the Tribal Court of the Ute Indian Tribe and Chief Judge Smiley Arrowchis (Doc. 98) from the instant matter and the Memorandum of Law in support thereof (Doc. 99), is denied. The Tribal Court of the Ute Indian Tribe and Chief Judge Smiley Arrowchis must submit a written Answer to the Court within 20-days from the date of this Order.

4. Defendant Dean Reed's Motion to Dismiss (Doc. 63) from the instant matter and the Memorandum of Law in support thereof (Doc. 63-1), is denied. It is hereby ordered that Defendant Dean Reed must submit a written Answer to the Court within 20-days from the date of this Order.

All parties shall bear their own costs and fees.

Dated this 9th day of Nov., 2012.


U.S. Judge Bruce S. Jenkins

AGREED TO AS TO FORM:

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